

## **REMARKS**

In view of the above amendments and the following remarks, reconsideration of the rejections and further examination are requested. Upon entry of this amendment, claim 1 is amended, and claim 5 is added, leaving claims 1-5 pending with claim 1 being independent. No new matter has been added.

### ***Rejections Under 35 U.S.C. §103(a)***

Claims 1-4 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Yuyama (JP 2001-130504) in view of Iijima (JP 57-175545).

Applicants submit that the claims as now pending are allowable over the cited prior art. Specifically, amended independent claim 1 recites a labeling apparatus, wherein an endless member is configured and arranged such that each label is supplied between the endless member and the vial.

By having a structure in which the label is supplied between the endless member and the vial, the endless member is capable of applying pressure to the label to facilitate adherence of the label to the vial and guides the tip of the label to the next roller, thereby preventing the label from being peeled off of the bottle due to stiffness.

The cited prior art fails to disclose or render obvious such an apparatus. In particular, Yuyama is cited as disclosing three rollers (92, 93) that each come into contact with an outer surface of a vial (11) to hold and rotate the vial. *See* Fig. 13 of Yuyama. Iijima is cited as disclosing an endless belt (42) supported by three rollers. A container (2) is positioned between the endless belt and one of the rollers. *See* Fig. 3 of Iijima. However, neither reference alone or in combination discloses an endless member that is configured and arranged such that each label is supplied between the endless member and a vial.

More specifically, as recognized by the Examiner, Yuyama does not disclose an endless member, and therefore cannot meet this claim limitation. Moreover, as shown in Fig. 13 of Yuyama, the label is only supplied between the vial and the rollers (92, 93).

Additionally, as shown in Fig. 7 of Iijima, the label 3 is applied by drum (1), but the endless belt (42) is arranged in such a manner that it is spaced from the label, such that the label is not supplied between the endless belt (42) and the vial. Thus, the endless belt (42) would not be capable of applying pressure to the label to ensure adherence to the vial. The endless belt in Iijima simply pushes container (2) toward the drum (1).

Therefore, the combination of Yuyama and Iijima fails to disclose each of the elements of independent claim 1. Moreover, there is no reasoning in the prior art to modify either Yuyama or Iijima such that the combination thereof would have rendered independent claim 1 obvious. Thus, Applicants submit that independent claim 1 and its dependent claims are allowable over the cited prior art.

Claim(s) 1, 3 and 4 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Kontz (U.S. 4,851,072) in view of Iijima.

Applicants submit that the claims as now pending are allowable over the cited prior art for reasons similar to those discussed above. That is, Kontz discloses rollers 48, but, as recognized by the Examiner, fails to disclose an endless belt.

Thus, neither Kontz nor Iijima discloses an endless member that is configured and arranged such that each label is supplied between the endless member and the vial. Moreover, there is no reasoning in the prior art to modify either Kontz or Iijima such that the combination thereof would have rendered independent claim 1 obvious. Therefore, Applicants submit that independent claim 1 and its dependent claims are allowable over the cited prior art.

#### ***New Claim 5***

Applicants submit that new claim 5 is allowable for the reasons set forth above, since claim 5 is dependent from independent claim 1. Moreover, claim 5 recites additional subject matter that further distinguishes it over the cited prior art.

### ***Conclusion***

In view of the foregoing amendments and remarks, all of the claims now pending in this application are believed to be in condition for allowance. Reconsideration and favorable action are respectfully solicited.

Should the Examiner believe there are any remaining issues that must be resolved before this application can be allowed, it is respectfully requested that the Examiner contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,  
Shoji YUYAMA et al.

By /Jeffrey J. Howell/  
2010.08.13 17:04:33 -04'00'  
Jeffrey J. Howell  
Registration No. 46,402  
Attorney for Applicants

JJH/etc  
Washington, D.C. 20005-1503  
Telephone (202) 721-8200  
Facsimile (202) 721-8250  
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